IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.674 OF 2005

First Global Stockbroking
Private Limited and ors. ... Petitioners

versus

Anil Rishiraj and another ... Respondents

...

Mr.Vishal s. Khanavkar, for the Petitioners.

Mr.A.S. Gadkari, A.P.P., for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

15th April 2005

P.C.:

. The Petitioners are facing trial before the Court of Chief Metropolitan Magistrate, Esplanade, Mjumbai, in CC.Nlo.122/W/2002 for offences under the provisions of FERA, 1978, FEMA, 1999, in addition to section 120B of the Indian Penal Code. The Petitioners have already

filed application for discharge on the assertiion that no case is made out against them and the criminal action cannot proceed either on facts or in law. That application, it is stated, is filed as back as on 16th July 2002, but has remained undecided so far. There is substance in the grievance of the Petitioners that the discharge application ought to have been decided by now. If the case registered against the Petitioners is false for the stated reasons, then pendency of that case causes serious prejudice to the Petitioners, who are in the business of stock broking and are required to deal with foreign investors.

. In the circumstances, the concerned Magistrate is directed to dispose of the application for discharge as expeditiously as possible and, in any case, within one month from the date of receipt of writ of this Court. Needless to observe that the discharge application will be decided on its own merits in accordance with law. Petition disposed of in the above terms.

(A.M.KHANWILKAR,J.)